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MEMBER LOUISIANA BAR

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June 6, 2008

Honorable Harold Baer  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007

Re: United States v. Demi Abraham  
07-CR-699 (HB)

Dear Judge Baer:

I represent the defendant Demi Abraham who is to be sentenced on June 12, 2008. For the reasons stated below I submit that an appropriate sentence would be one below the Guidelines Range. I submit that Mr. Abraham meets the criteria set forth in Title 18 U.S.C. 3553 (1) and U.S.S.G. 5C 1.2.

First, I object to the two (2) level enhancement in paragraph 42- Adjustment for Obstruction of Justice (in that the defendant provided materially false information in an affidavit in support of a motion to suppress his post arrest statements). The defendant in the affidavit stated that he was not advised of his rights. The defendant did not testify at the hearing. The defendant should not be penalized for exercising his rights. The defendant's actions were not willful nor intended to impede the prosecution.

Second, I submit that Mr. Abraham is entitled to a two (2) level reduction pursuant to 3B1.2 as a minor participant. Mr. Abraham was recruited by Mr. DeLoSantos to drive him home after the robbery. He was not involved in planning the robbery nor was he going to commit the robbery or bring a weapon.

Third, I have known Mr. Abraham since his arrest. I have had many conferences with him, where he has said he is truly sorry for what he has done. Demi Abraham has nothing of material value to his name. He does not own a car, jewelry, property or expensive clothes. He comes from a close and supporting family.

Fourth, Mr. Abraham's desire is to put his life in order. He has attended Daytop Village, Inc., upon referral by Pretrial Services and successfully completed their program. He has tested

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negative since September 2007 for the presence of any narcotic substances. He successfully completed Daytop Village.

Fifth, Mr. Abraham's common law wife who lives with him is pregnant and due to give birth on or about October 12, 2008. Doctor's letter attached.

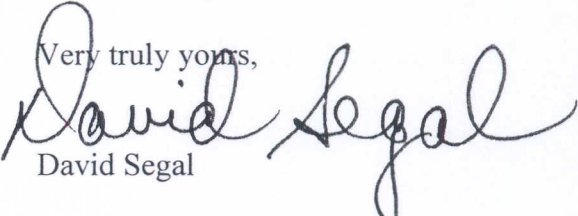
Sixth, Demi Abraham is not a threat to society. This incident is not indicative of who he is. The charges for which he was arrested are totally foreign to his true character.

I have attached letters from Mr. Abraham's family and friends.

I firmly believe that Mr. Abraham should be given every benefit available pursuant to 28 USC 3553.

There is no question that he permitted himself to become involved in a serious crime and must be punished, however, I submit that his past, his family background, and the facts herein should be considered and that they suggest imposing a sentence below the Guidelines Range. Please give him the opportunity and chance to return to his life and family.

Very truly yours,

  
David Segal

CC: Todd Blanche  
Assistant U.S. Attorney